

REMARKS

In the Office Action mailed January 5, 2009 the Office noted that claims 12-22 were pending and rejected claims 12-22. No claims have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 12-22 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 12-15 and 17-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Kubo, AU 2003-289079 in view of Lemelson, U.S. Patent No. 3,716,445. The Applicants respectfully disagree and traverse the rejection with an argument.

The present Application claims priority to Japanese Patent Application No. 2004-0172529 filed June 10, 2004, a verified English translation of which is filed herewith.

However, the publication date of Kubo, is July 14, 2004, well after the priority date of the instant Application. Therefore, Kubo cannot be considered valid prior art as to the instant Application under §103(a). Kubo is also not prior art under §102(b) as the publication date is not more than one year from the U.S. filing date of June 6, 2005.

Lemelson fails to disclose the novel features of the instant claims.

Therefore, the Office has failed to make a *prima facie*

case of obviousness as to the instant claims.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being obvious over Kubo in view of Lemelson in further view of Sasaki, U.S. Patent Publication No. 2005/0078578. The Applicants respectfully disagree and traverse the rejection with an argument.

Kubo is invalid as prior art as to the instant Application. Lemelson and Sasaki, taken separately or in combination, fail to teach the features of the instant claims.

Therefore, the Office has failed to make a *prima facie* case of obviousness as to claim 16.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. § 103. It is also submitted that claims 12-22 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- a verified English translation of Japanese Patent Appln. No. 2004-172529 filed June 10, 2004